

1 WRIGHT, FINLAY & ZAK, LLP
2 Dana Jonathon Nitz, Esq.
3 Nevada Bar No. 0050
4 Regina A. Habermas, Esq.
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6 7785 W. Sahara Avenue, Suite 200
7 Las Vegas, Nevada 89117
8 (702) 475-7964; Fax: (702) 946-1345
9 dnitz@wrightlegal.net
10 rhaboramas@wrightlegal.net
11 *Attorneys for Plaintiff, Nationstar Mortgage, LLC*

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 NATIONSTAR MORTGAGE, LLC, a limited
11 liability company,

12 Plaintiff,

13 vs.

14 ELKHORN COMMUNITY ASSOCIATION, a
15 Domestic Non-Profit Corporation;
16 702BUY.COM, LLC, a Domestic Limited
17 Liability Company; ATC ASSESSMENT
18 COLLECTION GROUP, LLC, a California
19 Limited Liability Company; NV
20 FORECLOSURE SERVICES, LLC, a
21 Domestic Limited Liability Company; ANGIUS
22 & TERRY COLLECTIONS, LLC, a Domestic
23 Limited Liability Company; DOES I through X;
24 and ROE CORPORATIONS I through X,
25 inclusive,

26 Defendants.

Case No.: 2:15-cv-00823-GMN-PAL


**PLAINTIFF NATIONSTAR
MORTGAGE, LLC'S MOTION FOR
ENTRY OF CLERK'S DEFAULT**

23 Plaintiff, Nationstar Mortgage, LLC (hereinafter "Nationstar"), by and through its
24 attorneys of record, Dana Jonathon Nitz, Esq., and Regina A. Habermas, Esq., of the law firm of
25 Wright, Finlay & Zak, LLP, hereby requests that the Clerk of the Court enter default against
26 Defendants 702BUY.COM, LLC and NV FORECLOSURE SERVICES, LLC, pursuant to
27 Federal Rule of Civil Procedure 55(a).
28

1 In support of this request, Nationstar relies upon the record in this case and the
2 Declaration submitted herein and any exhibits thereto.

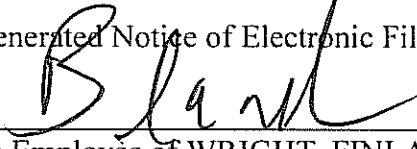
3 DATED this 25 day of April, 2016.

4 WRIGHT, FINLAY & ZAK, LLP

5 
6 Dana Jonathon Nitz, Esq.
7 Nevada Bar No. 0050
8 Regina A. Habermas, Esq.
9 Nevada Bar No. 8481
7785 W. Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
10 *Attorneys for Plaintiff, Nationstar Mortgage, LLC*

11 **CERTIFICATE OF SERVICE**

12 I HEREBY CERTIFY that I am an employee of WRIGHT, FINLAY & ZAK, LLP and
13 that service of the foregoing **PLAINTIFF NATIONSTAR MORTGAGE, LLC'S MOTION**
14 **FOR ENTRY OF CLERK'S DEFAULT** was made on the 25th day of April, 2016, to all
15 parties and counsel as identified on the Court-generated Notice of Electronic Filing.
16

17 
18 An Employee of WRIGHT, FINLAY & ZAK, LLP
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9 dnitz@wrightlegal.net
10 rhahermas@wrightlegal.net
11 *Attorneys for Plaintiff, Nationstar Mortgage, LLC*

8 UNITED STATES DISTRICT COURT
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14 ELKHORN COMMUNITY ASSOCIATION, a
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and ROE CORPORATIONS I through X,
inclusive,

22 Defendants.

Case No.: 2:15-cv-00823-GMN-PAL

**DECLARATION OF REGINA A.
HABERMAS, ESQ. IN SUPPORT OF
PLAINTIFF NATIONSTAR
MORTGAGE, LLC'S MOTION FOR
ENTRY OF CLERK'S DEFAULT**

23 I, Regina A. Habermas, Esq., declare as follows:

- 24 1. I am an attorney with the law firm of Wright, Finlay & Zak, LLP, and counsel of
25 record for Plaintiff Nationstar Mortgage, LLC ("Nationstar"), in the herein case.
- 26 2. I am one of the attorneys responsible for the day-to-day handling of this case.
- 27 3. I make this Declaration in support of NATIONSTAR MORTGAGE, LLC'S
28 MOTION FOR ENTRY OF CLERK'S DEFAULT and make it on my personal knowledge,

1 except as to those matters stated on information and belief and, as to those matters, I believe
2 them to be true, based upon my review of the documents produced in this matter.

3 4. I am competent to testify in this matter.

4 5. I am admitted to practice law in the State of Nevada.

5 6. I am knowledgeable about how Wright, Finlay & Zak, LLP ("WFZ") maintains
6 its records in association with litigation, including the herein case.

7 7. In connection with this litigation, I reviewed records relating to the procedural
8 history of this matter.

9 8. On May 1, 2015, Plaintiff filed its Complaint for Quiet Title, Wrongful
10 Foreclosure, Declaratory Relief, and Violation of Bankruptcy Discharge in the United States
11 District Court and Summonses were issued to Defendants, 702BUY.COM, LLC and NV
12 Foreclosure Services, LLC (collectively referred to herein as "Defendants") on May 6, 2015.

13 9. Plaintiff diligently attempted to effect personal service of the Summons and
14 Complaint on Defendants, but was unable to do so.

15 10. On September 23, 2015, the Court entered its Order granting Plaintiff's Motion
16 for Extension of Time to Serve and for Service by Publication of Summons/Complaint/Lis
17 Pendens on Defendants 702BUY.COM, LLC and NV Foreclosure Services, LLC (the "Order").

18 11. Pursuant to the Order, the time within which to serve Defendants was extended to
19 November 2, 2015 and Plaintiff was granted permission to serve Defendants by publication.

20 12. Defendant 702BUY.COM, LLC was served by publication on September 28,
21 2015, October 5, 2015, October 12, 2015, October 19, 2015, and October 26, 2015, as reflected
22 in the Affidavit of Publication attached hereto as **Exhibit 1**.

23 13. WFZ also mailed a copy of the Summons, Complaint and Lis Pendens to
24 Defendant 702BUY.COM, LLC at its last known address via certified mail, return receipt
25 requested; however, the mailing was returned to WFZ. A true and correct copy of the returned
26 envelope is attached hereto as **Exhibit 2**.

27 14. Defendant NV Foreclosure Services, LLC was served by publication on
28 September 28, 2015, October 5, 2015, October 12, 2015, October 19, 2015, and October 26,

1 2015, as reflected in the Affidavit of Publication attached hereto as **Exhibit 3**.

2 15. WFZ also mailed a copy of the Summons, Complaint and Lis Pendens to
3 Defendant NV Foreclosure Services, LLC at its last known address via certified mail, return
4 receipt requested; however, the mailing was returned to WFZ. A true and correct copy of the
5 returned envelope is attached hereto as **Exhibit 4**.

6 16. Federal Rule of Civil Procedure 12 states, in pertinent part,

7 (a) Time to Serve a Responsive Pleading.

8 (1) *In General*. Unless another time is specified by this rule or a federal statute,
the time for serving a responsive pleading is as follows:

9 (A) A defendant must serve an answer:

10 (i) within 21 days after being served with the summons and complaint;...

11 17. The deadline for Defendants 702BUY.COM, LLC and NV Foreclosure Services,
12 LLC to respond to the Complaint was November 16, 2015.

13 18. Defendants 702BUY.COM, LLC and NV Foreclosure Services, LLC have failed
14 to appear, plead or otherwise defend within the time allowed and, therefore, are now in default.

15 19. Plaintiff requests that the Clerk of the Court enter the Defaults against Defendants
16 702BUY.COM, LLC and NV Foreclosure Services, LLC, which are attached hereto as
17 **Exhibit 5**.

18 Further your affiant sayeth naught.

19 DATED: 25 day of April, 2016.

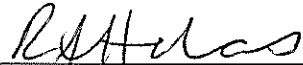
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21 _____
22 Regina A. Habermas, Esq.
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Exhibit 1

Exhibit 1

Exhibit 1

AFFP

2:15-CV-00823-GMN-PAL

Affidavit of PublicationSTATE OF NEVADA }
COUNTY OF CLARK } SS


I, Rosalie Qualls state:

That I am Assistant Operations Manager of the Nevada Legal News, a daily newspaper of general circulation, printed and published in Las Vegas, Clark County, Nevada; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

Sep 28, 2015
Oct 05, 2015
Oct 12, 2015
Oct 19, 2015
Oct 26, 2015

That said newspaper was regularly issued and circulated on those dates. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Oct 26, 2015


 Rosalie Qualls
UNITED STATES DISTRICT COURT
for the

District of Nevada

Civil Action No. 2:15-cv-00823-GMN-PAL

NATIONSTAR MORTGAGE, LLC, Plaintiff(s)

v. ELKHORN COMMUNITY ASSOCIATION, et al Defendant(s)

SUMMONS IN A CIVIL ACTION

To: 702BUY.COM, LLC, c/o Registered Agent: Fidel Solano, 2654 W. Horizon Ridge Pkwy., Ste. B5-320, Henderson, NV 89052

A lawsuit has been filed against you. Object of Action: This is Nationstar's Complaint for Quiet Title, Wrongful Foreclosure, Declaratory Relief and Violation of Bankruptcy Discharge. Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Dana Jonathon Nitz, Esq., Chelsea A. Crowton, Esq., Wright, Finlay & Zak, LLP, 7785 W. Sahara Ave., Ste. 200, Las Vegas, NV 89117 If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court. s/ LANCE S. WILSON, CLERK, DATE 5/6/2015, s/ Lance S. Wilson, (By) DEPUTY CLERK
Published in Nevada Legal News
September 28, October 5, 12, 19, 26, 2015

04105039 00401704 (702)946-1345

WRIGHT, FINLAY & ZAK, LLP.
7785 W. SAHARA AVE., SUITE 200
LAS VEGAS, NV 89117

15-10-28P02:27 RCV0

Exhibit 2

Exhibit 2

Exhibit 2

Wright, Finlay & Zak, LLP
7785 W. Sahara Ave. #200
Las Vegas, NV 89117

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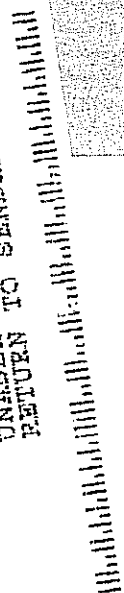
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702BUY.COM, LLC
c/o Registered Agent: Fidel Solano
2654 W. Horizon Ridge Pkwy., Ste., B5-320
Henderson, NV 89052

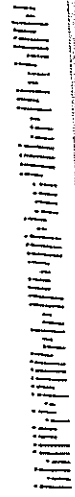


Exhibit 3

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AFFP

2:15-CV-00823-GMN-PAL-1

Affidavit of Publication

STATE OF NEVADA }
COUNTY OF CLARK } SS


I, Rosalie Qualls state:

That I am Assistant Operations Manager of the Nevada Legal News, a daily newspaper of general circulation, printed and published in Las Vegas, Clark County, Nevada; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

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That said newspaper was regularly issued and circulated on those dates. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Oct 26, 2015



Rosalie Qualls

UNITED STATES DISTRICT COURT

for the

District of Nevada

Civil Action No. 2:15-cv-00823-GMN-PAL

NATIONSTAR MORTGAGE, LLC, Plaintiff(s)

v. ELKHORN COMMUNITY ASSOCIATION, et al Defendant(s)

SUMMONS IN A CIVIL ACTION

To: NV Foreclosure Services, LLC, c/o Registered Agent: NV Foreclosure Sale Prop, 2654 W. Horizon Ridge Pkwy, Ste. B5-320, Henderson, NV 89052

A lawsuit has been filed against you. Object of Action: This is Nationstar's Complaint for Quiet Title, Wrongful Foreclosure, Declaratory Relief and Violation of Bankruptcy Discharge. Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Dana Jonathon Nitz, Esq., Chelsea A. Crowton, Esq., Wright, Finlay & Zak, LLP, 7785 W. Sahara Ave., Ste. 200, Las Vegas, NV 89117 If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court. s/ LANCE S. WILSON, CLERK, DATE 5/6/2015, s/ Lance S. Wilson, (By) DEPUTY CLERK
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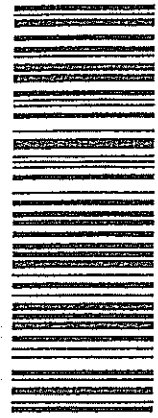
WRIGHT, FINLAY & ZAK, LLP.
7785 W. SAHARA AVE., SUITE 200
LAS VEGAS, NV 89117

15-10-28P02:27 RCVD

Exhibit 4

Exhibit 4

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Wright, Finlay & Zak, LLP
7785 W. Sahara Ave. #200
Las Vegas, NV 89117

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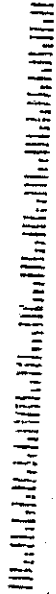
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NV Foreclosure Services, LLC
c/o Registered Agent: NV Foreclosure Sale Prop
2654 W. Horizon Ridge Pkwy, Ste. B5-320
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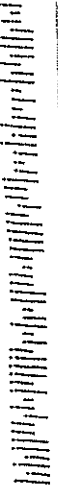


Exhibit 5

Exhibit 5

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11 *Attorneys for Plaintiff, Nationstar Mortgage, LLC*

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25 inclusive,

26 Defendants.

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ENTRY OF DEFAULT

23 Plaintiff, Nationstar Mortgage, LLC by and through its counsel of record, Dana Jonathon
24 Nitz, Esq. and Regina A. Habermas, Esq. of the law firm of Wright Finlay & Zak, LLP, has
25 requested that the Clerk of the Court enter default against Defendant 702BUY.COM, LLC,
26 pursuant to Federal Rule of Civil Procedure 55(a).

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28 ///

1 It appearing from the record that Defendant 702BUY.COM, LLC has failed to appear,
2 plead or otherwise defend, the default of Defendant 702BUY.COM, LLC is hereby entered
3 pursuant to Federal Rule of Civil Procedure 55(a).

4 DATED this ____ day of _____, 2016.

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Clerk of the Court
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